

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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PHARAOH EL-FOREVER LEFT-I  
AMEN EL,

Case No. 24-CV-3038 (JRT/JFD)

Petitioner,

**REPORT AND RECOMMENDATION**

v.

STATE OF MINNESOTA,

Respondent.

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Petitioner Pharaoh El-Forever Left-i Amen El was convicted (under the name DeSean Lamont Thomas) of four counts of aiding and abetting second-degree murder following a trial by jury in Ramsey County, Minnesota. *See State v. Thomas*, No. A15-1542, 2017 WL 1375278, at \*3 (Minn. Ct. App. Apr. 17, 2017). Since that time, Mr. Amen El has been a serial filer of habeas petitions in the District of Minnesota attacking that conviction, including as recently as December 2023. *See Thomas v. Roy*, No. 17-CV-2790 (DWF/HB), 2018 WL 4376437 (D. Minn. July 27, 2018); *Amen El v. Minnesota Dep't of Corrections*, No. 23-CV-3726 (JWB/TNL), 2023 WL 9231299 (D. Minn. Dec. 19, 2023). This case is another such habeas proceeding brought by Mr. Amen El attacking his state-court convictions.

As Mr. Amen El has already been advised, a petitioner seeking relief from a criminal judgment entered in state court must “move in the appropriate court of appeals for an order authorizing the district court to consider” a second or successive petition for a writ of

habeas corpus. 28 U.S.C. § 2244(b)(3)(A). A district court does not have jurisdiction to consider a second-or-successive habeas petition unless that petition has been authorized by the appropriate court of appeals. *See, e.g., Burton v. Stewart*, 549 U.S. 147, 153 (2007). Mr. Amen El still has not procured the necessary authorization from the United States Court of Appeals for the Eighth Circuit to proceed with a second-or-successive habeas petition in this District. The Court therefore lacks jurisdiction over the petition, which must be dismissed without prejudice. Finally, because the basis upon which dismissal is recommended is not fairly debatable, Mr. Amen El should not be granted a certificate of appealability. *See* 28 U.S.C. § 2253(c).

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. This matter be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
2. No certificate of appealability be issued.

Dated: July 30, 2024

s/ John F. Docherty  
 JOHN F. DOCHERTY  
 United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to

those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).